

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

**CAPITAL RADIOLOGY, PLLC,**

**Plaintiff,**

**vs.**

**ST. PETER'S HOSPITAL, and  
MONTANA INTERVENTIONAL AND  
DIAGNOSTIC RADIOLOGY  
SPECIALISTS, PLLC,**

**Defendants.**

CAUSE NO. CV 07-17-H-DWM

**STIPULATION OF DISMISSAL  
WITH PREJUDICE**

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Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), all parties to the above-captioned matter hereby stipulate that the above captioned action be dismissed with prejudice, with each party bearing its own attorneys' fees and costs in the matter. All parties further stipulate that this dismissal constitutes "a final judgment on the merits in this action" within the meaning of the Order entered on October 24, 2008 (D.I. 86). Notwithstanding the provision of the Order entered on October 24, 2008 (D.I. 86) dismissing Count II of the Amended Complaint without prejudice, all parties further stipulate that all claims in the Amended Complaint, including Count II, are dismissed with prejudice.

Montana Interventional and Diagnostic Radiology Specialists, PLLC ("MIDRS") asserts, and Capital Radiology, PLLC disputes, that Capital Radiology and its principals are required to provide to MIDRS and its principals a release that is broader than the release provided by Capital Radiology and its principals. However, without waiver of their respective positions on this issue,

all parties agree that the above-captioned case should be dismissed with prejudice as set out above.

Pursuant to the parties' stipulation to dismissal, the Court is requested to enter final judgment, and to close the case.

March 17<sup>th</sup>, 2009

Respectfully submitted,

/s/ Timothy B. Strauch, Esq.

All parties whose signature lines appear in this document have consented to its filing.

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